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6 **07-27UNITED STATES DISTRICT COURT**
7 **WESTERN DISTRICT OF WASHINGTON**
8 **AT SEATTLE**

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 Case No. CR07-27-RSM

12 v.

13 LAMONT JEFFERSON,

14 Defendant.

15 **PROPOSED FINDINGS OF FACT**
16 **AND DETERMINATION AS TO**
17 **ALLEGED VIOLATIONS OF**
18 **SUPERVISED RELEASE**

19 **INTRODUCTION**

20 I conducted a hearing on alleged violations of supervised release in this case on September
21 21, 2011. The defendant appeared pursuant to a warrant issued in this case. The United States
22 was represented by Norman Barbosa, and defendant was represented by Michele Shaw. Also
23 present was U.S. Probation Officer Thomas Fitzgerald. The proceedings were digitally recorded.

19 **SENTENCE AND PRIOR ACTION**

20 Defendant was sentenced on November 2, 2007, by the Honorable Ricardo S. Martinez for
21 Conspiracy to Commit Identity Theft and Bank Fraud and Aggravated Identity Theft. He
22 received 45 months of detention and 5 years of supervised release.

23 On October 1, 2010, a Request for Modifying the Condition of Supervision with Consent of
the Offender was submitted which advised the Court Mr. Jefferson had been arrested on

1 September 9, 2010, for shoplifting merchandise from a Goodwill retail store. It was
2 recommended the Court modify Mr. Jefferson's conditions of supervision to require him to
3 participate in a mental health program approved by the U.S. Probation Office, to include Moral
4 Reconation Therapy. On October 5, 2010, the Court approved the modification.

5 On April 5, 2011, a Report on Offender under Supervision was submitted which alleged Mr.
6 Jefferson had violated the conditions of his supervision by using cocaine on or about March 4,
7 2011. It was recommended no action be taken at that time. On April 5, 2011, the Court
8 approved the recommendation for no action.

9 On August 8, 2011, a Request for Modifying the Condition of Supervision with Consent of
10 the Offender was submitted which advised the Court Mr. Jefferson had failed to appear for drug
11 testing, failed to appear for MRT classes, failed to make restitution payments, and used cocaine
12 and alcohol. It was recommended the Court modify Mr. Jefferson's conditions of supervision to
13 require him to participate in the home confinement program with electronic monitoring for a
14 period of 60 days. On August 12, 2011, the Court approved the modification.

15 **PRESENTLY ALLEGED VIOLATIONS**

16 In a petition dated September 1, 2011, Supervising U.S. Probation Officer Todd A. Sanders
17 alleged that defendant violated the following conditions of supervised release:

18 1. Failing to comply with the Location Monitoring Program since August 31, 2011, in
19 violation of the special condition requiring he participate in the home confinement
20 program with electronic monitoring for a period of 60 days, as directed by the
21 probation officer.

22 Based on this petition, a warrant was issued on September 1, 2011, and Mr. Jefferson was
23 arrested without incident on September 2, 2011. At the initial hearing held before U.S.

1 Magistrate Judge Mary Alice Theiler on September 2, 2011, Mr. Jefferson denied the alleged
2 violation and an evidentiary hearing was set for September 23, 2011, before U.S. District Judge
3 Ricardo S. Martinez. Mr. Jefferson was released on bond, subject to all previously imposed
4 conditions including Location Monitoring, following his initial appearance.

5 In a supplemental violation report dated, September 18, 2011, U.S. Probation Officer
6 Thomas Fitzgerald alleged that defendant violated the following conditions of supervised
7 release:

8 2. Consuming cocaine on August 31, 2011, in violation of standard condition number
9 7 of his supervised release.

10 3. Failing to comply with the Location Monitoring Program since September 9, 2011,
11 in violation of the special condition requiring he participate in the home confinement program
12 with electronic monitoring for a period of 60 days, as directed by the probation officer.

13 4. Consuming cocaine on September 12, 2011, in violation of standard condition
14 number 7 of his supervised release.

15 **FINDINGS FOLLOWING EVIDENTIARY HEARING**

16 Defendant admitted to all four violations and waived any hearing as to whether they
17 occurred. The parties will contact U.S. District Judge Ricardo S. Martinez to set a disposition
18 hearing.

19 **RECOMMENDED FINDINGS AND CONCLUSIONS**

20 Based upon the foregoing, I recommend the Court find that defendant has violated the

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1 conditions of his supervised release as alleged above, and conduct a disposition hearing.

2 DATED this 21st day of September, 2011.

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5 BRIAN A. TSUCHIDA
6 United States Magistrate Judge
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